

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 -----)
5)
6 IN RE: NATIONAL PRESCRIPTION) MDL No. 2804
7 OPIATE LITIGATION)
8)
9 -----) Case No. 1:17-MD-2804
10)
11 THIS DOCUMENT RELATES TO:)
12)
13 Case Track 8) Hon Dan A. Polster
14)
15 -----)

16
17 VIDEOTAPED DEPOSITION OF CHRIS HEWELL
18 FRIDAY, NOVEMBER 4, 2022

19 - - -
20
21 HIGHLY CONFIDENTIAL - SUBJECTIVE TO FURTHER
22 CONFIDENTIALITY REVIEW

23 - - -
24
25 Remote videotaped deposition of CHRIS
26 HEWELL, commencing at 9:00 a.m., on the above date,
27 before Juliana F. Zajicek, Registered Professional
28 Reporter, Certified Shorthand Reporter and Certified
29 Realtime Reporter.

30 - - -
31
32 GOLKOW LITIGATION SERVICES
33 877.370.3377 ph | 917.591.5672 fax
34 Deps@golkow.com

1 Q. Does that person work in the IT
2 department?

3 A. I'm not sure.

4 Q. Besides a laptop, does Publix issue a cell
5 phone or a tablet?

6 MS. WHITE: Objection to form.

7 BY THE WITNESS:

8 A. Not to me.

9 BY MR. BADALA:

10 Q. Do you know if they issue it to other
11 Publix associates?

12 MS. WHITE: Objection to form.

13 BY THE WITNESS:

14 A. I'm not sure.

15 BY MR. BADALA:

16 Q. Before you met with Bill Hammond over 20
17 times for this case, had you ever met with Bill
18 Hammond before that?

19 A. Yes.

20 Q. How many times over your career besides
21 the meetings for this case did you meet with Bill
22 Hammond?

23 MS. WHITE: Objection to form.

24 BY THE WITNESS:

1 don't remember what my answer was.

2 THE COURT REPORTER: I will read it back.

3 (WHEREUPON, the record was read by the
4 reporter as requested.)

5 BY THE WITNESS:

6 A. Yeah, I think my answer was, we had
7 systems that reviewed orders and then, depending on
8 the timeframe, our pharmacy supervisors or diversion
9 analysts would have reviewed the orders.

10 BY MR. BADALA:

11 Q. When did systems -- sorry, strike that.

12 When did pharmacy supervisors/the
13 diversion people start reviewing controlled substance
14 orders?

15 A. I think, to be more specific, what I'm
16 referring to are flagged orders and that would have
17 been 2012 until around 2018 for supervisors.

18 Q. So 2 -- so 2012 to 2018 is when an actual
19 person, like a pharmacy supervisor, would review only
20 flagged controlled substance orders, is that right?

21 A. Omitted, yeah, or items of interest, yes.
22 After that time, after 2018 it -- our diversion
23 analysts would review those items of interest.

24 Q. Now, I kept saying controlled substances

1 but at one time you said C-IIs.

2 A. I was specifically referring to our CSOS
3 program.

4 Q. But from 2012 to 2018, when the pharmacy
5 supervisors were only reviewing orders of interest or
6 flagged orders, were those only for C-IIs or was that
7 C-IIs and C-IIIs?

8 A. From 2012 until 2016, there would have
9 only been for Schedule III through V because we
10 weren't shipping Schedule II controlled substances at
11 that time. And then in 2016 it would have been for
12 Schedule II through V items of interest.

13 Q. Now, before 2012, who was reviewing the
14 controlled substance orders?

15 A. Those orders re -- were reviewed in our
16 systems.

17 Q. Okay. What system?

18 A. Our Publix inventory management system.

19 Q. PIMS is the other word?

20 A. Yes.

21 Q. So there wasn't an actual pharmacy
22 supervisor or a diversion person who was reviewing
23 flagged controlled substance orders prior to 2012?

24 MS. WHITE: Objection to form.

1 BY THE WITNESS:

2 A. There wasn't -- there wasn't a -- there
3 wasn't an individual that reviewed an item that was
4 reduced in size at the time. However, we had other
5 systems in place to support the process.

6 BY MR. BADALA:

7 Q. Okay. So that -- I just want to make sure
8 I'm right. Publix had systems in place prior to 2012
9 reviewing these flagged orders but not an actual
10 person, like a pharmacy supervisor or a diversion
11 person reviewing those flagged orders prior to 2012?

12 MS. WHITE: Objection to form.

13 BY THE WITNESS:

14 A. Can you repeat the question?

15 BY MR. BADALA:

16 Q. Sure.

17 Prior to 2012 Publix did not have an
18 actual person, a human being, like a pharmacy
19 supervisor or a diversion person, reviewing suspicious
20 orders or orders of interest or flagged orders?

21 MS. WHITE: Objection to form.

22 BY THE WITNESS:

23 A. We had additional processes in place that
24 would identify where a pharmacy was potentially

1 ordering more product than they were dispensing and at
2 that point our loss prevention team would intervene.

3 BY MR. BADALA:

4 Q. Who was part of that loss prevention team
5 prior to 2012?

6 A. I'm not certain.

7 Q. But one of your responsibilities was
8 regulatory from 2007 to 2012, right?

9 A. As -- you know, part of -- yes, I
10 supported my part of regulatory, but it was a shared
11 responsibility. That included loss prevention.

12 Q. Okay. And you don't know who in loss
13 prevention was doing that job?

14 A. I don't know all of the -- no, I don't
15 know back in 2012 who was performing that analysis.

16 Q. And those 20 plus meetings that you had
17 with your in-house counsel and outside counsel, did
18 you bring in any of these loss prevention people, were
19 they there at any of these meetings?

20 A. I don't recall.

21 MS. WHITE: Objection. Objection to form.

22 BY MR. BADALA:

23 Q. I didn't hear your answer. I'm sorry.

24 A. I don't recall.

1 Q. Does it change over time?

2 A. Yes.

3 Q. What did it change over time to?

4 A. I'm sorry, I think I misunderstood your
5 question. I'm -- I understood your question to be
6 does the NDC change over time.

7 Q. Oh, no, I'm sorry. I thought the
8 searching capable changed over time. So NDC for a
9 couple of years and then you had to search by line
10 item or an item number after that, but maybe I
11 misunderstood that.

12 A. You can search by NDC and -- and that
13 really hasn't changed over time.

14 Q. You mentioned something about reduced in
15 size.

16 Do you remember that when we were talking
17 about orders, you said they would review the orders
18 that were reduced in size?

19 A. Yes.

20 Q. What did you mean by that?

21 A. Meaning the system we had in place was a
22 system that utilized ship maxes.

23 Q. And if an order hit a threshold, would it
24 just reduce that order?

1 A. Right, we would not ship -- sorry.

2 MS. WHITE: That's okay.

3 Object to form.

4 BY THE WITNESS:

5 A. We would reduce the shipment to the
6 appropriate maximum that we would allow to be shipped
7 at any time.

8 BY MR. BADALA:

9 Q. Okay. And that was for controlled
10 substances as well?

11 A. That's right, that was for controlled
12 substances and non-controlled substances.

13 Q. Okay. Have you actually personally ever
14 reviewed a flagged order for a controlled substance?

15 A. Yes, I have worked with our diversion
16 analysts from time to time to look at flagged orders.

17 Q. What years were you doing that?

18 A. The one that came -- comes to mind would
19 be the 2018 to 2020 range, working with the diversion
20 analyst, just going through flagged orders and
21 understanding, you know, circumstances that could have
22 resulted in the flagged order or item of interest or
23 omitted order.

24 Q. Were you being trained by these diversion

1 in 2018, right?

2 A. That's correct.

3 Q. So Publix didn't have diversion analysts
4 prior to 2018, is that right?

5 A. Prior to 2018 our pharmacy supervisors
6 would be reviewing those orders.

7 Q. The title Diversion Analyst didn't exist
8 prior to 2018, is that right?

9 A. Not to my knowledge.

10 Q. Okay. If you could count, how many
11 flagged orders did you review between 2018 and 2020?

12 A. Since it wasn't my responsibility, it
13 probably wasn't that many. I would get questions from
14 the diversion analyst when there were -- when -- when
15 they arose. Sometimes -- most of the time it was as a
16 result of a backorder supply when supply comes back in
17 and they would ask about recalls and supplies and
18 things like that that would cause flagged orders.

19 Q. Okay. So let me get this right about the
20 warehouses at Publix. I want to make sure my
21 information is right.

22 There is a Sand Lake and a Rocket Court
23 warehouse?

24 A. There was a Sand Lake. We opened that in

1 to the pharmacy or not was already made in the -- in
2 the suspicious order monitoring system and so they --
3 they didn't have any -- they were only notified of
4 the -- of the omitted order. They weren't -- in -- in
5 your question, they didn't have the ability to
6 override them at that particular time.

7 BY MR. BADALA:

8 Q. Did they have a -- was there ever a time
9 that they could override the order of interest?

10 A. No.

11 Q. So who was actually determining if an
12 order was suspicious?

13 MS. WHITE: Object to form.

14 BY MR. BADALA:

15 Q. From 2012 to 2018?

16 A. A pharmacy supervisor would.

17 Q. What was the criteria they were using to
18 determine if it was a suspicious order?

19 A. They would have to determine whether or
20 not the pharmacy was filling illegitimate
21 prescriptions or was diverting product somehow.

22 Q. What did they do to check that?

23 MS. WHITE: Object to form.

24 BY THE WITNESS:

1 be...

2 Were all orders of interest treated as
3 suspicious orders?

4 MS. WHITE: Objection to form.

5 BY THE WITNESS:

6 A. No.

7 BY MR. BADALA:

8 Q. How were they treated?

9 A. Just as we defined it, there were orders
10 of interest that until there was additional evidence
11 would be essentially orders of interest.

12 Q. Okay. So if there is an order of
13 interest, it would go to the pharmacy supervisor.

14 Can the pharmacy supervisor review that
15 order of interest and say, Actually, no problem here,
16 this order should still go out?

17 A. If we are talking about the 2012 to 2018
18 range, the item was omitted, the order was fulfilled
19 without the item, and there was no ability for them to
20 get that item appended back to the order.

21 Q. Even if it was just an order of an
22 interest -- interest, not a suspicious order?

23 A. That's correct.

24 Q. Okay. That order of interest that was

1 Publix did not report one suspicious order between
2 2012 and 2018?

3 A. As part of the process we -- since we
4 omitted any order of interest, there -- there was --
5 there was no chance to fulfill an order of interest
6 during that timeframe.

7 Q. How many orders of interest were
8 identified between 2012 and 2018?

9 A. I don't know.

10 Q. Who would know that information?

11 A. I believe we pulled that information as
12 part of our discovery.

13 Q. Now, when you weren't getting any
14 suspicious orders sent to you between 2012 and 2018,
15 did you ever go to the pharmacy supervisors and say,
16 Hey, I just want to make sure my e-mail is not broken
17 here, any suspicious orders the last couple of years?

18 MS. WHITE: Object to form.

19 BY THE WITNESS:

20 A. No, I never had a conversation where I
21 asked a question like that.

22 BY MR. BADALA:

23 Q. Did you ever think to yourself, Maybe I
24 have to see if these pharmacy supervisors are doing

1 outline that -- this pretty quickly, but Publix's SOM
2 system, you mentioned that they've changed over time.

3 Can you tell me what the systems were as
4 far back as you can remember, starting with the first?

5 A. Sure. We had our PIM system.

6 Q. What years was the PIM system, the Publix
7 SOM system?

8 A. That was 2006 to around -- the original
9 PIM system was around 2006 to around 2012.

10 Q. Okay. After PIMS, what was the next
11 system?

12 A. We had some enhancements in PIMS between
13 2012 and we used that from 2012 to 2016.

14 Q. Can I write down enhanced PIMS, is that
15 the right way to phrase it?

16 A. I am referring to it as enhanced PIMS.

17 Q. You said that was 2012 to what?

18 A. To 2016.

19 Q. Was there, like, a third-party system with
20 this enhanced PIMS or was it just actual enhancements
21 to PIMS?

22 A. It was -- there was no third-party
23 solution.

24 Q. Okay. What's the next system?

1 A. E-Supply Link.

2 Q. What years was that?

3 A. 2016 until about 2020.

4 Q. Is that a third-party vendor?

5 A. Yes.

6 Q. Okay. Next?

7 A. 2020 to present would be Order Insight.

8 Q. That's another third-party vendor?

9 A. Yes.

10 Q. Okay. Are we missing any?

11 A. No.

12 Q. What month did Order Insight go into
13 effect in 2020?

14 A. I don't recall. Again, that -- the
15 responsibility for suspicious order monitoring had
16 transitioned to our regulatory and compliance
17 department and it was piloted and ultimately rolled
18 out, I don't know what month that was.

19 Q. Why switch from E-Supply to Order Insight?

20 A. Order Insight provided us with some
21 additional functionality that we didn't have with
22 E-Supply Link.

23 Q. Which additional functionalities were
24 they?

1 A. Order Insight provides -- provides for
2 some additional scrutiny of orders in regards to
3 forecasted demand. It's -- you know, there is daily
4 thresholds, weekly thresholds, monthly thresholds on a
5 rolling cadence, so provided some additional
6 functionality there.

7 Q. Was Order Insight second half of 2020?

8 A. I don't know.

9 Q. Which systems were threshold-only based?

10 MS. WHITE: Objection to form.

11 BY THE WITNESS:

12 A. None of our systems were threshold-only
13 based, if we are talking about the entire suspicious
14 order monitoring system. These systems were one
15 component of our suspicious order monitoring process.

16 If we are talking about the individual
17 system itself, the enhancement PIM system utilized a
18 threshold.

19 BY MR. BADALA:

20 Q. And then we talked about this, but 2012 to
21 2018, no suspicious orders reported, right?

22 A. Correct.

23 Q. Did you have a file on your folder -- oh,
24 no, strike that, actually.

1 How many suspicious orders were reported
2 between 2006 and 2012?

3 A. I started in 2008. I'm not aware of what
4 happened prior to 2008, but that will be part of my
5 preparation for the next deposition.

6 From 2008 to 2012 I am not aware of any
7 suspicious orders.

8 Q. So 2008 to 2012 no suspicious orders,
9 right?

10 A. No suspicious orders reported to the DEA.

11 Q. So really we were talking about 2012 to
12 '18 and we were looking at this demonstrative here.
13 But actually, my demonstrative is wrong because this
14 should actually say 2008, right?

15 A. I am not aware of any suspicious orders
16 reported between 2008 to 2018.

17 Q. Okay. I want to make sure we are not
18 qualifying anything. I think you said no suspicious
19 orders were reported to the DEA.

20 Were suspicious orders reported to you
21 between 2008 and 2012?

22 A. No.

23 Q. Okay. So there were no suspicious orders
24 between 2008 to 2018?

1 A. Correct.

2 Q. And so for ten years Publix did not report
3 a suspicious order to the DEA, is that right?

4 A. Not that I'm aware of, no.

5 Q. And for 2006 to 2008, who can we talk to
6 about that?

7 A. That will be part of our preparation for
8 the suspicious order monitoring deposition.

9 Q. Who do you plan on speaking with?

10 A. Warehouse personnel, loss prevention
11 personnel.

12 Q. So for ten years where there is between
13 500 and a thousand stores, these stores, half of them
14 are ordering controlled substances each day, over ten
15 years Publix does not report one suspicious order to
16 the DEA, is that right?

17 A. From 2008 to 2018, as I mentioned before,
18 there were no reported suspicious orders.

19 Q. But Publix was definitely distributing and
20 dispensing opioids during that time, right?

21 MS. WHITE: Object to form.

22 BY THE WITNESS:

23 A. Dispensing, yes, distributing, there
24 was -- when hydrocodone was rescheduled in 2014, so

1 between 2014 and 2016, we weren't distributing
2 hydrocodone and, of course, when we opened the C-II
3 vault in 2016, we began distributing hydrocodone
4 again.

5 BY MR. BADALA:

6 Q. And -- and you told me how Publix expanded
7 hits controlled substances business in 2016 with the
8 opening of the new warehouse.

9 So even though it expanded its controlled
10 substances business in 2016, it still didn't report a
11 suspicious order between 2016 and 2018, right?

12 A. There were no reported suspicious orders
13 reported in that timeframe.

14 Q. And when you were talking about the
15 rescheduling, that's when Publix was buying --
16 sorry -- that's when Publix pharmacies were getting
17 opioids from companies like McKesson,
18 AmerisourceBergen, and Cardinal Health?

19 A. Was that a question? I'm sorry.

20 Q. Yeah, that's -- I wanted to make sure,
21 were those the distributors that -- or the vendors
22 that Publix was using?

23 A. Yes.

24 Q. Okay. Let's take a look here.

1 A. Yes.

2 Q. Okay. And I want to focus, I can zoom in,
3 here:

4 "Order quantities of controlled substances
5 throughout the month are aggregated and compared to
6 the monthly threshold."

7 Did I read that correctly?

8 A. Yes.

9 Q. "Once the monthly threshold is met, no
10 additional orders for any item in that particular
11 molecule will be shipped for the remainder of the
12 month."

13 Did I read that correctly?

14 A. Yes.

15 Q. What does that mean, "the particular
16 molecule," can you give me an example -- an example of
17 that?

18 A. Sure. As I mentioned previously when you
19 asked the question about oxycodone 5 and oxycodone 10
20 being on the same order, they are in the same molecule
21 group or family group, so that's what -- that's what
22 that's referring to.

23 Q. But a hydrocodone and an oxycodone would
24 be a different molecule?

1 A. Yes, that's correct.

2 Q. Next it says:

3 "An email notification is sent to the
4 pharmacy and the pharmacy supervisor when the pharmacy
5 is approaching their threshold and when they have
6 exceeded the threshold."

7 Did I read that correctly?

8 A. Yes.

9 Q. So there is two notifications that go to
10 the pharmacy and the pharmacy supervisor and one is
11 when the pharmacy is approaching their threshold and
12 the other is when the pharmacy has exceeded the
13 threshold, right?

14 A. Yes, I agree, that's what the document
15 says and -- yes.

16 Q. And that's what was done at -- at Publix?

17 A. Yes, I believe so.

18 Q. Now, when I asked you that question
19 earlier, remember I asked you about being warned that
20 you are reaching a threshold?

21 A. Yes.

22 Q. You didn't say that the Publix procedure
23 was yes, warn the pharmacy and the pharmacy manager
24 that they are reaching the controlled substance

1 threshold.

2 A. I think I mentioned I didn't recall if we
3 did that or not and that's why I said that can't be
4 true or false.

5 Q. Okay. But the standard, the default at
6 Publix is yes, notify the pharmacy and the pharmacy
7 supervisor when the pharmacy is approaching the
8 threshold?

9 MS. WHITE: Object to form.

10 BY THE WITNESS:

11 A. I believe, as I -- as I -- I have not seen
12 this document in several years and when originally
13 asked I did not recall whether or not we did or not.

14 What I can tell you is that we did not
15 provide the pharmacies their actual threshold number.

16 BY MR. BADALA:

17 Q. Okay. But here the document that you gave
18 the DEA and the document that the Publix employee
19 sees, it says:

20 "An email notification is sent to the
21 pharmacy and the pharmacy supervisor when the pharmacy
22 is approaching their threshold and when they have
23 exceeded the threshold."

24 Right?

1 A. Yes.

2 Q. I mean, this was the system at Publix at
3 least in 2015?

4 MS. WHITE: Object to form.

5 BY THE WITNESS:

6 A. Is that a question?

7 BY MR. BADALA:

8 Q. Yeah, that's what I'm asking you. I mean,
9 you told the DEA that, so that this was the procedure
10 at Publix at least in 2015, is that right?

11 A. Yes.

12 Q. Okay. And we know -- well, maybe you --
13 you could tell me this a little bit better, but here
14 at the bottom there is an April 5th, 2014.

15 Do you see that?

16 A. Yes.

17 Q. Does that mean when this document is
18 instituted?

19 A. I don't know if there were any earlier
20 iterations of this document.

21 Q. And the document doesn't say, Don't tell
22 the pharmacy what their threshold number is, right, it
23 doesn't say that here?

24 MS. WHITE: Object to form.

1 BY MR. BADALA:

2 Q. Would you agree with me that in 2015 you
3 believed that Publix needed a more robust SOM process
4 to ship C-IIs?

5 A. In 2015 we were undergoing our warehouse
6 expansion project. As part of that warehouse
7 expansion project and the future consideration to ship
8 Schedule II drug -- or Schedule II controlled
9 substances, yes, I was aware that we had also wanted
10 to review our suspicious order monitoring parse --
11 process as part of that expansion.

12 Q. Okay. And do you agree with me that in
13 2015 you believed that Publix needed a more robust SOM
14 process to ship C-IIs?

15 A. In 2015, as part of our culture of
16 continuous improvement at Publix, it was an
17 opportunity for us to leverage the resources that were
18 involved in the warehouse expansion to improve -- or
19 to enhance our suspicious order monitoring process as
20 well.

21 Q. Okay. I understand that's your testimony.
22 My question is a little more specific.

23 Did you state that Publix needed a more
24 robust SOM process to ship C-IIs?

1 more robust SOM process to ship C-IIs, okay?

2 A. I'm suggesting that we need a more robust
3 SOM process to ship C-IIs. I think it is important to
4 add some context to this, though, that this is shortly
5 after our previous inspection from the DEA where they
6 reviewed our existing suspicious order monitoring
7 process and -- and didn't note any deficiencies.

8 Q. Okay. But, sir, you used the phrase "more
9 robust," right?

10 A. Meaning more suspicious order monitoring
11 system that was more capable or -- or had more
12 functionality.

13 Q. Okay. I'm just reading the words that you
14 wrote in an e-mail, you wrote those words, "more
15 robust," right?

16 MS. WHITE: Object to form.

17 BY THE WITNESS:

18 A. This is a communication from me to a
19 project manager to try to gain alignment to gain some
20 budget -- to -- to get a budget for us to review
21 other -- other third-party suspicious order monitoring
22 systems.

23 BY MR. BADALA:

24 Q. Okay. But you are not claiming that

1 loss of DEA licensure, is that right?

2 A. I'm sorry. Could you repeat the question?

3 Q. The "we" here in your sentence, that's
4 Publix, isn't it?

5 A. That's correct.

6 Q. And we are talking about controlled
7 substances because we are talking about the SOM
8 process, is that right?

9 A. Yes, that's correct.

10 Q. Now, here internally to Publix you are
11 telling them, without a better solution than our
12 current, we stand the risk of regulatory fines or loss
13 of DEA licensure.

14 Did you tell that to the DEA when they
15 came and did the inspection you said just right before
16 that?

17 A. We gave the DEA our existing process. We
18 told them our existing process. The fact that we
19 shipping -- you know, looking to ship additional
20 Schedule II drugs with higher ability for diversion
21 and addiction gave us the opportunity to reevaluate
22 and potentially enhance our suspicious order
23 monitoring system during this time.

24 Q. Okay. Sir, I'm trying to get through this

1 question for you.

2 MS. WHITE: I don't think I have this one
3 either.

4 BY MR. BADALA:

5 Q. Well, I only have one question and it's on
6 Bates ending in 904, and it says:

7 "Information provided by Publix showed 35
8 suspicious orders reported to DEA since September 13,
9 2019."

10 Did I read that correctly?

11 A. Yes.

12 Q. Were you ever made aware by Laura Slone
13 that Publix reported 35 suspicious orders since
14 September 13, 2019?

15 MS. WHITE: Object to the form.

16 BY THE WITNESS:

17 A. What's the -- I'm sorry. What's the date
18 on the report?

19 BY MR. BADALA:

20 Q. The date prepared is March 17, 2021.

21 A. Laura Slone would not have reported that
22 information to me.

23 Q. Okay. Would she be the person to ask
24 about suspicious orders reported from 2019 on?

1 A. No. Our reporting -- the compliance
2 department supported the reporting obligations at --
3 during that time.

4 Q. So we already established this, but Publix
5 didn't report any suspicious orders for ten years, but
6 here they've reported 35 in roughly 18 months.

7 Do you see that?

8 A. Yes.

9 Q. Any concern to you that maybe those ten
10 years something wasn't working correctly because no
11 suspicious orders were reported?

12 MS. WHITE: Object to form.

13 BY THE WITNESS:

14 A. Can you repeat the question?

15 BY MR. BADALA:

16 Q. Sure.

17 Was there any concern by you after seeing
18 that, that in 18 months Publix reported 35 suspicious
19 orders but when you were reviewing them you only had
20 zero in ten years?

21 MS. WHITE: Object to form.

22 BY THE WITNESS:

23 A. We had a process during that time and
24 during that time there were no suspicious orders to

1 report.

2 BY MR. BADALA:

3 Q. Okay. So no concern to you, right?

4 MS. WHITE: Object to form.

5 BY THE WITNESS:

6 A. Again, we had a process and there were
7 no -- there was nothing -- no -- no suspicious orders
8 to report during that timeframe.

9 BY MR. BADALA:

10 Q. Any impression that Publix had more
11 suspicious activity as of late?

12 MS. WHITE: Object to the form.

13 BY THE WITNESS:

14 A. Can you clarify that question?

15 BY MR. BADALA:

16 Q. Sure.

17 Any impression that Publix had more
18 suspicious activity as of 2019?

19 MS. WHITE: Object to the form.

20 BY THE WITNESS:

21 A. I'm sorry, you -- you broke up a lot
22 there. I don't see anybody else that's --

23 (Inaudible due to technical
24 difficulties.)

1 A. Pharmacy supervisors were required to
2 ensure that the -- the threshold was legitimate and
3 that -- I'm trying to remember back to the document
4 you presented earlier, that there was no suspicious
5 activity going on at their pharmacies.

6 Q. Okay. And what would the pharmacy
7 supervisor do to check there was no suspicious
8 activity going on and that the threshold increase
9 request was legitimate?

10 MS. WHITE: Objection to form.

11 BY THE WITNESS:

12 A. Pharmacy supervisors could re -- could
13 review a multitude of different things prior to
14 approving a threshold. We provided some data
15 analytics to them. They had the ability from 2010 on
16 to review prescription activity in Enterprise Rx and
17 they can visit the store and review hard copy
18 prescriptions and so forth.

19 BY MR. BADALA:

20 Q. And you expected that to be a -- a
21 thorough and comprehensive investigation?

22 MS. WHITE: Object to form.

23 BY THE WITNESS:

24 A. The expectation was that the pharmacist

1 A. I -- I don't know. I wasn't -- I don't
2 know.

3 BY MR. BADALA:

4 Q. Would a pharmacy supervisor do that job in
5 20 seconds?

6 MS. WHITE: Object to form.

7 BY THE WITNESS:

8 A. I don't know. I can't answer that
9 question.

10 BY MR. BADALA:

11 Q. Well, you were just telling me they have
12 to go on the system, review the data, look at
13 documents at the pharmacy. I mean, unless there is,
14 you know, a superhero, it is hard to do all of that in
15 about a minute or less, is that right?

16 MS. WHITE: Object to form.

17 BY THE WITNESS:

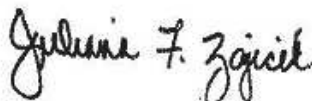
18 A. I was telling you that those are ways.
19 Our pharmacy supervisors also have an inherent
20 knowledge of their -- of their pharmacies and activity
21 in their pharmacies. They are visiting pharmacies
22 quite on, so they -- they have a baseline knowledge of
23 pharmacy business prior to reviewing threshold
24 increases.

REPORTER'S CERTIFICATE

I, JULIANA F. ZAJICEK, a Registered Professional Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination of the witness herein, the witness was duly remotely sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my availability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not interested directly or indirectly in the outcome of this action.



JULIANA F. ZAJICEK, Certified Reporter